

Acting Chairperson: Supervisor Willie Johnson, Jr.
Clerk: Linda Durham, 278-4225
Research Analyst: Rick Ceschin, 278-5003

COMMITTEE ON JUDICIARY, SAFETY AND GENERAL SERVICES

Thursday, February 23, 2006 - 9:00 A.M.

Milwaukee County Courthouse - Room 201-B

MINUTES

TAPE No. 14: Side A, #001 to EOT
TAPE No. 14: Side B, #001 to #700

PRESENT: Supervisors Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair)

SCHEDULED ITEMS:

1. 06-118 A Resolution by Supervisor Borkowski, to have Corporation Counsel review current contract language ensuring Milwaukee County is protected from significantly higher project costs due to negligence of a contractor. (Tape #14A-#21)

APPEARANCES:

Supervisor Mark A. Borkowski (11th District)
Bill Domina, Corporation Counsel
Hakim Abdullah, The Performance Group
David Guerrero, Guerrero Construction, Inc.

Supervisor Borkowski provided comments relative to the intent of his resolution.

Supervisors Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson indicated that they would like to be added as co-sponsors of this resolution.

Bill Domina provided comments relative to the process of contract review in his office.

MOTION BY: (CESARZ) Approve.

Questions and comments ensued.

SCHEDULED ITEMS (CONTINUED):

Supervisor DeBruin requested that information regarding the PSI piece requested by the Committee on Transportation and Public Works also come back to this Committee.

Mr. Abdullah and Mr. Guerrero spoke in support of the subject resolution and expressed their dissatisfaction with the contract process.

Chairman Johnson requested that Mr. Abdullah and Mr. Guerrero forward a letter expressing their concerns regarding the contract process to him to be distributed to all County Board Supervisors. He also requested a copy of Mr. Guerrero's comments made today.

MOTION BY: (RICE) Add another be it resolved clause to read as follows: "BE IT FURTHER RESOLVED, that the County Board of Supervisors hereby requests Corporation Counsel to review and report back on the process of the award and performance of the asbestos removal contract for the Annex demolition to determine if proper County procedures and ordinances have been complied with." (Vote 7-0).

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderck, Devine and Johnson (Chair) – 7
NOES: 0

Questions and comments continued.

MOTION BY: (CESARZ) Approve the resolution as amended. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

2. 06-123 An Ordinance by Supervisor Mayo, to amend Chapter 9.07 of the General Ordinances of Milwaukee County, relating to the terms of service for appointments to the Milwaukee County Ethics Board. (Tape #14B-#144)

Chairman Johnson advised that Supervisor Mayo requested that this item be laid over. There being no objection, it was so ordered.

3. 06-137 From the Sheriff and Superintendent, House of Correction, requesting authorization to execute a professional service contract to provide telephone service at the Milwaukee County Criminal Justice Facility and House of Correction. (Tape #14B-#151)

SCHEDULED ITEMS (CONTINUED):

APPEARANCES:

Inspector Kevin Carr, Sheriff's Department
Jon Priebe, Public Safety Fiscal Administrator
Superintendent Ron Malone, House of Correction

Inspector Carr reviewed the subject request.

MOTION BY: (DE BRUIIN) Approve. Also change the fiscal note to outline the specific revenue before County Board Day (March 9, 2006).

Questions and comments ensued.

Superintendent Malone provided comments.

Vote on the motion to approve: 7-0

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

NOES: 0

4. 04-414 An adopted resolution authorizing and directing the Superintendent, House of
(a)(b) Correction, to develop recommendations and alternatives for funding operations at the Farm and Fish Hatchery for 2006, to be presented at the March 2, 2006 meeting of the Committee on Finance and Audit. **(INFORMATIONAL ONLY) (REPORT FROM HOUSE OF CORRECTION)** (Tape #14B-#334)

APPEARANCES:

Superintendent Ron Malone, House of Correction
Jon Priebe, Public Safety Fiscal Administrator

Superintendent Malone reviewed the report prepared by House of Correction staff (a copy of which is contained in the subject file).

Questions and comments ensued at length.

Supervisor DeBruin expressed concerns relative to the House of Correction report. She indicated that it does not provide recommendations and alternatives for funding operations at the Farm and Farm and Fish Hatchery for 2006 as authorized in the adopted resolution.

Superintendent Malone stated that House of Correction staff could prepare an addendum to the report that would satisfy the intent of the resolution.

SCHEDULED ITEMS (CONTINUED):

Chairman Johnson advised that Superintendent Malone indicated that he would correspond with the Chairman of Finance in preparation of the report for the Finance and Audit Committee meeting scheduled for March 2, 2006.

The Committee took no action on this informational report.

5. 06-102 From the Chief Judge, requesting authorization to negotiate a professional services contract with Justice 2000 for pretrial service programs for April 2006 through December 2006. (Tape #14B-#559)

APPEARANCE:

Holly Szablewski, Pretrial Services Coordinator

Ms. Szablewski reviewed the subject request and advised Committee members of the Request for Proposals (RFP) process.

MOTION BY: (RICE) Approve.

Questions and comments ensued.

Vote on the motion to approve: 7-0

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

NOES: 0

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

CORPORATION COUNSEL RECOMMENDS PAYMENT/SETTLEMENT OF THE FOLLOWING CLAIMS/LITIGATION

(Note: Section 56.08 of the Milwaukee County General Ordinances authorizes the Judiciary Committee to settle all claims when the amount does not exceed \$5,000.00, and the action of the Committee is final and no further County Board action is required.):

6. 05-447 From SBC Risk Management, submitting a claim for alleged damages to a buried cable when the Parks Department was placing electric facilities at 2501 W. Galena. **(Corporation Council recommends payment in the amount of \$1,810.20 in full settlement of this claim.)** (Tape \$14B-#649)

SCHEDULED ITEMS (CONTINUED):

APPEARANCE:

Bob Andrews, Deputy Corporation Counsel

MOTION BY: (SCHMITT) Approve items 6, 7 and 8 together. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7

NOES: 0

7. 06-40 From Kristin Kratzke, submitting a claim for damages allegedly sustained to her vehicle's windshield on November 22, 2005 from County workers repairing Brown Deer Road. **(Corporation Counsel recommends payment in the amount of \$814.34 in full settlement on this claim.)**

SEE ACTION UNDER ITEM 6.

8. 05-568 From Brandon N. Phillips, submitting a claim for the alleged damage to his vehicle when parked at the Milwaukee County Grounds on September 6, 2005. **(Corporation Counsel recommends payment in the amount of \$567.11 to settle this claim.)**

SEE ACTION UNDER ITEM 6.

The Committee may adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to the following matter(s). At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary:

9. 04-83 From Knight & Associates, S.C., submitting a claim in behalf of Kevin Kubacki, for injuries and damages allegedly sustained due to disability discrimination by Milwaukee County. **(Corporation Counsel recommends payment in the amount of \$20,000.00 to settle this claim.)** (Tape #14B-#673)

APPEARANCES:

Bill Domina, Corporation Counsel

Mark Grady, Principal Assistant Corporation Counsel

MOTION BY: (RICE) Adjourn into closed session under the provisions of Wisconsin Statutes, Section 19.85(1)(g), for the purpose of the Committee receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation with regard to items 9-12. At the conclusion of the closed session, the Committee may reconvene in open session to take whatever actions it may deem necessary. (Vote 7-0)

SCHEDULED ITEMS (CONTINUED):

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

The Committee adjourned into closed session as approximately 10:55 a.m. and reconvened into open session at approximately 12:05 p.m. with the same committee members present as before.

MOTION BY: (SCHMITT) Approve items 9 and 10 together. (Vote 7-0)

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

10. 06-59 From American Family Insurance Group submitting a claim in behalf of Heather Schmidt for injuries and damages allegedly received from an accident with a sheriff squad on November 9, 2005. **(Corporation Counsel recommends payment in the amount of \$12,179.37 in full settlement of this claim.)**

SEE ACTION UNDER ITEM 9.

11. 05-J-13 From Corporation Counsel, status report on the potential litigation that the County may have against those firms who furnished professional services to the County at the time the pension benefits were enhanced. (Tape #14B-#685)

APPEARANCE:

Bill Domina, Corporation Counsel

Mr. Domina provided brief comments regarding a resolution/ordinance for this item and requested the Committee's approval. He indicated that the resolution/ordinance will reflect the changes that were discussed in closed session.

- 06-150 **MOTION BY: (RICE) Approval of the resolution/ordinance as recommended by Corporation Counsel.**

Supervisor DeBruin advised that Corporation Counsel provided Committee members with a draft resolution/ordinance for their review (distributed in closed session).

Vote on the motion to approve: 7-0

AYES: Rice, DeBruin, Schmitt, Cesarz, Broderick, Devine and Johnson (Chair) - 7
NOES: 0

12. 06-J-3 Status report from Corporation Counsel regarding the claim of Brewery Works, Inc.

SCHEDULED ITEMS (CONTINUED):

in the amount of \$189,415.11 for holdover rent at Schlitz Park.

The Committee took no action on this informational report.

STAFF PRESENT: Rick Ceschin, Research Analyst, County Board
Bill Domina, Corporation Counsel
Bob Andrews, Deputy Corporation Counsel
Mark Grady, Assistant Corporation Counsel
Inspector Kevin Carr, Sheriff's Office
Superintendent Ron Malone, House of Correction
Jon Priebe, Public Safety Fiscal Administrator

This meeting was recorded on tape, which is available for audit upon prior request of the Committee Clerk. The foregoing matters were not necessarily considered in agenda order. Committee "green files" contain copies of resolutions, amendments, ordinances, reports and correspondence, etc., which may be reviewed upon request of the Committee Clerk. The official copy of these minutes is available in the County Board office.

Adjourned: 12:10 p.m.

Linda Durham

Linda Durham, Committee Clerk